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Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

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August 30, 2013

Brian P. Dunnigan, P.E.
Nebraska Commissioner, Republican River Compact Administration
Nebraska Department of Natural Resources
301 Centennial Mall South
PO Box 94676
Lincoln NE 68509-4676

RECEIVED
SEP 06 2013
DEPARTMENT OF
NATURAL RESOURCES

RE: Republican River Compact Administration

Dear Commissioner Dunnigan,

In your letters of May 24, 2013, and August 23, 2013, you listed three subjects that you argue are examples of Kansas' failure to administer the Compact. None of these examples are well founded.

Kansas is not in violation of the Compact in any way.

Your accusations are inseparable from the multiple arbitration proceedings that you've triggered this year. And now, your August 23, 2013 letter demands that Kansas agree immediately to an accounting arrangement, otherwise, Nebraska will evacuate the so-called "Compact water," water that could be stored as irrigation supply for the Kansas Bostwick Irrigation District in 2014. So the deal appears to be this: take Nebraska's terms, or lose the water.

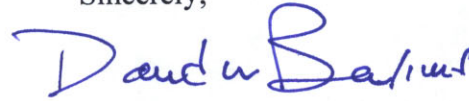
Nebraska's practice of issuing threatening letters that demand that Kansas surrender to Nebraska's ultimatums, that seriously mischaracterize the record, and that trigger new disputes instead of engaging in dialogue at the RRCA threatens to divert Kansas' resources away from administering the Compact. I see little value in further attempts to refute your letter's claims and demands.

Also troubling is your accusation that Kansas has "arbitrarily" rejected other States' proposals at the RRCA. Kansas raised good-faith objections to Nebraska's and Colorado's proposals, and has not acted in bad faith concerning any of these proposals. Arbitrators have reviewed those objections, and in 2008, 2009, and 2010, most of those objections were determined to be reasonable, and none were determined to be in bad faith.

While it appears that Nebraska would like Kansas to cease defending its rights and interests and surrender its litigation positions, Kansas, as a sovereign state, has a duty to protect its entitlements under the Compact, just as all of the States in the Basin do.

I sincerely hope that we can improve the working relationship between Nebraska and Kansas. I stand behind my previous statements that Kansas is willing to work toward resolution of these disputed matters and I believe that both states could gain by finding solutions. But Kansas will defend itself as necessary should Nebraska choose to trigger the dispute resolution procedures, yet again, as it has threatened to do.

Sincerely,



David W. Barfield, P.E.
Kansas Chief Engineer
Chairman, RRCA

CC: Dick Wolfe, P.E., Colorado Commissioner, Republican River Compact Administration



Sam Brownback, Governor

Department of Agriculture
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